

111TH CONGRESS  
1ST SESSION

# H. R. 2038

To amend the Federal Election Campaign Act of 1971 to prohibit an authorized committee of a candidate who is a Member of Congress from accepting contributions from any entity for which the candidate sought a Congressional earmark.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2009

Mr. HODES (for himself, Ms. GIFFORDS, and Mr. PERRIELLO) introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Federal Election Campaign Act of 1971 to prohibit an authorized committee of a candidate who is a Member of Congress from accepting contributions from any entity for which the candidate sought a Congressional earmark.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Clean Law for Ear-  
5       mark Accountability Reform Act” or the “CLEAR Act”.

1 **SEC. 2. PROHIBITING CANDIDATES FROM ACCEPTING CON-**  
2 **TRIBUTIONS FROM ENTITIES FOR WHICH**  
3 **CANDIDATES SEEK CONGRESSIONAL EAR-**  
4 **MARKS.**

5 (a) PROHIBITING ACCEPTANCE OF CONTRIBU-  
6 TIONS.—Section 315 of the Federal Election Campaign  
7 Act of 1971 (2 U.S.C. 441a) is amended by adding at  
8 the end the following new subsection:

9 “(k) PROHIBITING ACCEPTANCE OF CONTRIBUTIONS  
10 FROM ENTITIES FOR WHICH CANDIDATES SEEK CON-  
11 GRESSIONAL EARMARKS.—

12 “(1) IN GENERAL.—An authorized committee of  
13 a candidate for election for Federal office who is a  
14 Member of Congress (including a Delegate or Resi-  
15 dent Commissioner to the Congress) may not accept  
16 any contribution—

17 “(A) from any entity for which the Mem-  
18 ber sought a Congressional earmark during the  
19 election cycle, or from any senior executive of  
20 such an entity or any person who is registered  
21 as a lobbyist under the Lobbying Disclosure Act  
22 of 1995 (2 U.S.C. 1601 et seq.) for whom the  
23 entity was a client for purposes of such Act; or

24 “(B) if the Member sought a Congres-  
25 sional earmark for a corporation during the  
26 election cycle, from a separate segregated fund

1 established and administered by the corporation  
2 or labor organization under section  
3 316(b)(2)(C).

4 “(2) CONGRESSIONAL EARMARK DEFINED.—In  
5 this subsection, the term ‘Congressional earmark’  
6 means a provision or report language which—

7 “(A) is included in a bill or joint resolu-  
8 tion, a committee report to accompany a bill or  
9 joint resolution, or a conference report to ac-  
10 company a bill or joint resolution (including a  
11 joint explanatory statement prepared by the  
12 managers of the conference) primarily at the re-  
13 quest of a Member of Congress; and

14 “(B) provides, authorizes, or recommends  
15 a specific amount of discretionary budget au-  
16 thority, credit authority, or other spending au-  
17 thority for a contract, loan, loan guarantee,  
18 grant, loan authority, or other expenditure with  
19 or to an entity, other than through a statutory  
20 or administrative formula-driven or competitive  
21 award process.

22 “(3) ELECTION CYCLE DEFINED.—In this sub-  
23 section, the term ‘election cycle’ has the meaning  
24 given such term in section 301(25), without regard  
25 to the second sentence of such section.

1           “(4) SENIOR EXECUTIVE DEFINED.—In this  
2       subsection, the term ‘senior executive’ means, with  
3       respect to an entity, the President, Chief Executive  
4       Officer, Chief Operating Officer, or Chief Financial  
5       Officer of the entity.”.

6       (b) EFFECTIVE DATE.—The amendments made by  
7       subsection (a) shall apply with respect to contributions  
8       made on or after the date of the enactment of this Act.

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